S.B.Cr.Misc. II Bail App. No. 5580/2007

(Rameshwari Vs. State of Rajasthan)

Date of order : 04/12/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. J.S.Chodhary for the petitioner.

Mr. Ashok Upadhyay Public Prosecutor.

Mr. M.K.Garg for the complainant.

Heard learned counsel for the petitioner and the Public Prosecutor for the State as also the counsel appearing for the complainant. Perused the order impugned and challan papers.

This is second bail application. The first bail application came to be dismissed by a Co-ordinate Bench of this Court on 2.8.2007 noticing that the statements against the present petitioner are of Satpal and Geeta. However, while dismissing the bail application, the petitioner was granted liberty to move a fresh bail application. Learned counsel for the petitioner submits that these two witnesses have been examined by the trial court as PW-6 Geeta and PW-10 Satpal.

It is contended by learned counsel for the petitioner that though these two witnesses in their previous statement recorded under Section 161 Cr.P.C. levelled some allegations against the present petitioner but when they appeared before the trial court and made

statement on oath, no allegations have been levelled except the omnibus statement which is against the present petitioner, father-in-law, sister-in-law and brother-in-law.

On careful perusal of the statements of these two witnesses, it appears that the allegations are almost common against the petitioner, her husband father-in-law who has already been granted bail by this Court, sister-in-law and brother-in-law (Nanad and Devar). Learned counsel for the petitioner has invited my attention to the statement of PW-12 Mahaveer whose statement is soon before the occurrence in which he stated that it was Mohanlal, Satpal and Bhanwarlal who threatened the deceased and scolded the deceased as to why she came to Jayal without their permission and said that she should have died on the very day and thereafter it is alleged that she jumped in a reservoir (water tank) and committed suicide.

On careful perusal of the statements of these witnesses and statement of PW-12 and the fact that similarly situated co-accused Ramdhan has been granted bail by Co-ordinate Bench of this Court on 24.7.2007, having regard to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, without commenting on the merit of the case, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Rameshwari W/o Ramdhan be

released on bail in CR No. 4/07 P.S. Jayal, provided she executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for her appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP